

Application Serial No.: 09/661,375

Attorney Docket No. 23453-020

In Response to Office Action mailed April 14, 2004

**REMARKS**

In response to the Non-Final Office Action (Paper No. 13) mailed April 14, 2004, claims 29-48 have been newly added. Newly added claims 29-37 depend from independent claim 27. Newly added claims 38-46 depend from independent claim 28. Newly added claims 47-48 are independent claims. Therefore, claims 27-48 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

**Information Disclosure Statement (I.D.S.)**

The Examiner alleges that the Information Disclosure Statement (“IDS”) filed on February 4, 2004 fails to comply with 37 C.F.R. §1.98(a)(2), as “*copies of the references were not found to accompany the Information Disclosure Statement filed 04 February 2004.*” See Paper No. 13, pg. 2, ¶1. Applicants disagree and have provided herewith, at TAB A, a copy of the stamped postcard for the February 4, 2004 submission acknowledging receipt of the fifty-nine (59) references by the U.S. Patent and Trademark Office.

For the convenience of the Examiner, however, Applicants are re-submitting the references from the February 4, 2004 IDS. In particular, the U.S. Patent references will be re-submitted together with additional references in an electronic IDS filed on even date. The “Other Documents” from the February 4, 2004 IDS will be resubmitted in a Supplemental IDS filed herewith. Applicants respectfully request that the Examiner consider the cited references and provide a signed copy of the Form PTO-1449 for both the electronic IDS and Supplemental IDS with the next Office Action.

**Drawings**

In response to the Examiner’s notice regarding drawing informalities (see Paper No. 13, pg. 2, ¶2), Applicants are filing herewith fifteen (15) sheets of formal drawings. The formal drawings include the corrections made to FIGS. 3A, 3B, and 6B as explained in the Amendment filed on June 4, 2003. *See* June 4, 2003 Amendment, at pgs. 18 and 21.

Application Serial No.: 09/661,375

Attorney Docket No. 23453-020

In Response to Office Action mailed April 14, 2004

**Rejections Under 35 U.S.C. §102**

Claims 27-28 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,246,672 to Lumelsky (“Lumelsky”). *See* Paper No. 13, pg. 3, ¶4. Applicants traverse this rejection for *at least* the reason that Lumelsky fails to disclose each and every element of independent claims 27 and 28. In particular, claims 27 and 28 recite *inter alia* the features of formatting personalized content for a subscriber into a unique active voice page personalized for the subscriber, initiating an outbound communication to the subscriber to establish an interactive voice broadcast with the subscriber, and presenting personalized content to the subscriber from the subscriber’s unique active voice page during the interactive voice broadcast. Lumelsky does not appear to disclose *at least* these features.

Lumelsky appears to teach generating a plurality of Composite Encoded Speech (CES)-based files via an authoring system (101) for storage in a data repository (401). CES-based files may be created via a human-authored TTS system (*e.g.*, audio produced by an operator or narrator reading text aloud is compared with speech synthesized artificially from the same text), as well as from known TTS systems where original speech is not available. *See* Lumelsky, *e.g.*, FIGS. 1 and 2A-2B; col. 10, lines 20-57; col. 12, lines 59-61; col. 13, lines 1-4; and col. 13, lines 17-38. Subscribers can request or browse CES-based documents by placing a call from their user terminal (301) to a Personal Radio Station Server (PRSS) (201). The PRSS also maintains user (or subscriber) profiles which define topics of interest (*e.g.*, international news, sports news, business news) for the subscribers. *See* Lumelsky, *e.g.*, FIG. 1; col. 10, lines 63-66; and col. 19, lines 53+. Appropriate CES-based files are forwarded to a user’s terminal (301) via a wired network (402) and wireless network (403). *See* Lumelsky, *e.g.*, col. 11, lines 63-65.

Lumelsky does not appear, however, to disclose the features of formatting personalized content for a subscriber into a unique active voice page personalized for the subscriber, and presenting the personalized content to the subscriber from the subscriber’s unique active voice page during the interactive voice broadcast. In the Office Action, at pg. 4, the Examiner recites that “*...a user’s list of topics of interest defines ‘a unique active voice page generated for the subscriber.’*” Applicants disagree. A “list of topics” that a user has selected while establishing a

Application Serial No.: 09/661,375

Attorney Docket No. 23453-020

In Response to Office Action mailed April 14, 2004

profile is not an active voice page, nor does the “list of topics” of Lumelsky appear to present personalized content to a subscriber during an interactive voice broadcast.

In the Office Action, at pg. 5, it appears as though the Examiner may also be relying on a CES file to read on Applicants’ claimed active voice page. This reasoning fails, however, as claims 27 and 28 each recite that a unique active voice page is generated for the subscriber. Lumelsky, by contrast, does not appear to disclose generating a unique CES-based document for a subscriber. Rather, Lumelsky discloses that an unlimited number of CES-based documents are created and stored by content providers (*e.g.*, col. 10, lines 54-57), and that subscribers may use various search and browsing methods for automatically and manually obtaining CES-based files. *See* Lumelsky, *e.g.*, col. 11, lines 5-47. Lumelsky further discloses using a cache (*e.g.*, col. 20, lines 25-52) to facilitate retrieval of the same data for multiple users.

Applicants also note that claims 27 and 28 each recite the feature of initiating an outbound communication to the subscriber to establish an interactive voice broadcast with the subscriber. Lumelsky, however, appears to require users to initiate a session to retrieve information. *See* Lumelsky, *e.g.*, col. 10, lines 63-64; col. 11, lines 48-50; and col. 11, lines 38-42.

For *at least* the reason that Lumelsky fails to disclose each and every element of independent claims 27 and 28, as described above, Applicants submit that the rejection of claims 27 and 28 under 35 U.S.C. §102(e) is improper and should be withdrawn.

Amendment dated: July 14, 2004

CUSTOMER NO. 29315

Application Serial No.: 09/661,375  
Attorney Docket No. 23453-020  
In Response to Office Action mailed April 14, 2004

**CONCLUSION**

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Date: July 14, 2004

By:

  
\_\_\_\_\_  
Bradford C. Blaise  
Registration No. 47,429

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO, PC  
12010 Sunset Hills Road  
Suite 900  
Reston, Virginia 20190  
(703) 464-4800 (Telephone)  
(703) 464-4895 (Facsimile)

RES 117979v1